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Message Text

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INFO OCT-01 ISO-00 EUR-12 /020 R

DRAFTED BY: OES/ENP:EN/CHSANDERS
APPROVED BY: OES/ENP:EN:DRKING
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R 132013Z SEP 77
FM SECSTATE WASHDC
TO AMEMBASSY NICOSIA

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C O R R E C T E D COPY PARA 3 LINE 7 OMITTED

E.O. 11652: N/A

TAGS: JA, PE, EFIS, IWC-1, SENV

SUBJECT: INVESTIGATION OF WHALING ACTIVITIES BY ROK AND PERU

REFERENCE: STATE A-805, FEBRUARY 11, 1976

1. COMCENTER: PLEASE REPEAT STATE 67784 DATED MARCH 26, 1977 TO ABOVE ADDRESSEE: TEXT FOLLOWS:

2. "(UNCLASSIFIED): IN ACCORDANCE WITH THE PROVISIONS OF THE PELLY AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967, THE NATIONAL MARINE FISHERIES SERVICE HAS BEGUN TO COMPILE INFORMATION WITH REGARD TO THE WHALING OPERATIONS OF PERU AND REPUBLIC OF KOREA IN AN ATTEMPT TO DETERMINE IF EITHER OF THESE TWO NATIONS WOULD FALL UNDER PELLY AMEND-MENT RESTRICTIONS. IF SO, USG COULD TAKE ACTION TO PROHIBIT THE IMPORTATION OF FISHERY PRODUCTS FROM COUNTRY CONCERNED.
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3. THE PELLY AMENDMENT AUTHORIZES THE PRESIDENT TO IMPOSE AN EMBARGO OF FISHERY PRODUCTS FROM A NATION IF IT IS DETERMINED THAT NATIONALS OF THAT COUNTRY "DIRECTLY OR IN-DIRECTLY ARE CONDUCTING FISHING OPERATIONS IN A MANNER OR UNDER CIRCUMSTANCES WHICH DIMINISH THE EFFECTIVENESS OF AN INTERNATIONAL FISHERY CONSERVATION PROGRAM," (22 USC

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1978). THE SECRETARY OF COMMERCE HAS THE RESPONSIBILITY OF MAKING THIS DETERMINATION AND OF INFORMING THE PRESIDENT, WHO CAN THEN DECIDE AS A MATTER OF POLICY WHETHER TO BAN FISHERY PRODUCT IMPORTS.

4. THE INTERNATIONAL WHALING COMMISSION (IWC) TRANSMITTED UNANIMOUS RESOLUTIONS TO BOTH PERU AND ROK AFTER LAST YEAR'S IWC ANNUAL MEETING (REFAIR), EXPRESSING CONCERN OVER PERUVIAN AND KOREAN WHALING OPERATIONS, WHICH WERE DAMAGING STOCKS PROTECTED BY THE IWC, AND URGING THOSE NATIONS TO JOIN THE COMMISSION. NEITHER PERU NOR ROK HAS JOINED IWC AND BOTH REPORTEDLY HAVE CONTINUED TO TAKE WHALES.

5. ACCORDING TO INFORMATION PRESENTED TO THE SCIENTIFIC CONSULTATION ON MARINE MAMMALS, HELD IN BERGEN,NORWAY, IN SEPTEMBER, 1976, THE PERUVIAN HARVEST OF SEI AND BRYDE'S WHALES WAS 545 IN 1975, AND 213 FOR JANUARY-JUNE 1976. THIS WAS SIGNIFICANTLY HIGHER THAN COMBINED IWC QUOTA OF 198 FOR BOTH SPECIES IN THE AREA OFF PERU FOR THE 1975-76 SEASON WHICH WAS TAKEN BY THEJAPANESE AND THE SOVIETS. THE PERUVIAN CATCH THEREFORE PROBABLY WAS MORE THAN DOUBLE THE BASIC CATCH FOR THOSE SPECIES IN THAT AREA, AS RECOMMENDED BY THE IWC SCIENTIFIC COMMITTEE, AND WOULD BE DETRIMENTAL TO THE STOCKS OF THESE WHALES AND CONTRARY TO THE CONSERVATION GOALS OF THE IWC.
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6. THE ROK REPORTEDLY KILLED 43 FIN WHALES DURING THE SEASON WHICH ENDED SEPTEMBER, 1976 (SEOUL 9486, DEC. 2, 1976). SINCE FIN WHALES IN THENORTH PACIFIC ARE CLASSIFIED BY THE IWC AS A PROTECTION STOCK AND ALL COMMERCIAL WHALING OF THIS SPECIES IN THE NORTH PACIFIC IS PROHIBITED. THE KOREAN HARVEST HAS PROBABLY DIMINISHED THE EFFECTIVENESS OF THE IWC CONSERVATION REGIME.

7. ACTION REQUESTED: EMBASSY OFFICERS ARE REQUESTED TO CONTACT APPROPRIATE OFFICIALS OF HOST GOVERNMENT AND INFORM THEM THAT USG IS TAKING INITIAL STEPS UNDER PELLY AMENDMENT TO DETERMINE WHETHER NATIONALS OF HOST COUNTRIES ARE DIMINISHING THE EFFECTIVENESS OF THE IWC CONSERVATION PROGRAM AND ADVISE THEM, SHOULD THIS BE THE CASE, THAT IMPORTATION OF THEIR FISHERY PRODUCTS COULD BE BANNED UNDER THE PELLY AMENDMENT. PELLY AMENDMENT REQUIRES THAT SECRETARY OF COMMERCE CERTIFY SUCH DETERMINATION TO THE PRESIDENT. SECRETARY AT SAME TIME MAY MAKE A RECOMMENDATION ON WHETHER IN HIS JUDGEMENT THE EMBARGO ON IMPORT OF FISHERY PRODUCTS SHOULD BE IMPOSED OR NOT. OFFICIALS OF HOST GOVERNMENT MAY BE REMINDED OF IWC RESOLUTION TO NON-

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MEMBER WHALING COUNTRIES ASKINGTHEM TO JOIN IWC (REFAIR). DEFINITE ACTION BY HOST GOVERNMENTS TO SEEK MEMBERSHIP IN IWC DOUBTLESSLY WOULD BE VIEWED HERE IN POSITIVE TERMS. (END UNCLASSIFIED).

8. (BEGIN LOU) FYI: PERU AND SOUTH KOREA ARE NOT THE ONLY WHALING NATIONS OUTSIDE THE IWC. CHILE, SPAIN AND PORTUGAL ALSO CONDUCT WHALING OPERATIONS AND ARE NON-MEMBERS. ALL FIVE NATIONS HAVE BEEN APPROACHED BY US (REFAIR), AS WELL AS BY IWC. IN EFFORT TO ENCOURAGE THEIR MEMBERSHIP IN IWC AND PARTICIPATION IN ITS REGIME. CURRENT EFFORTS ARE LIMITED TO PERU AND SOUTH KOREA ON BASIS OF CURRENTDATA, BECAUSE THE IMPACT OF THEIR OPERATIONS UPON THE IWC PROGRAM IS BELIEVED TO BE SUBSTANTIALLY MORE LIMITED OFFICIAL USE

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DB BR-
DETRIMENTAL THAN THOSE OF OTHER THREE NATIONS MEN-TIONED ABOVE. U.S. ALSO STUDYING WHALING OPERATIONS OF OTHER THREE IN EFFORT TO COMPILE NECESSARY DATA SO AS TO WEIGH POSSIBLE APPLICATION OF PELLY AMENDMENT IN THEIR CASE AS WELL. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE219089
Document Source: CORE
Document Unique ID: 00
Drafter: OES/ENP:EN/CHSANDERS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE A-805
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1288608
Secure: OPEN
Status: NATIVE
Subject: INVESTIGATION OF WHALING ACTIVITIES BY ROK AND PERU
TAGS: EFIS, SENV, JA, PE, IWC-1
To: NICOSIA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/dac27f47-c288-dd11-92da-001cc4696bcc
Review Markings:
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22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009